

KAMALA D. HARRIS **Board of Vocational Nursing** Attorney General of California and Psychiatric Technicians 2 KAREN B. CHAPPELLE Supervising Deputy Attorney General 3 GLORIA A. BARRIOS Supervising Deputy Attorney General 4 State Bar No. 94811 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 5 Telephone: (213) 897-2540 6 Facsimile: (213) 897-2804 Attorneys for Complainant 8 BEFORE THE BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS 9 DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA 10 11 In the Matter of the Accusation Against: Case No. VN-2008-2433 12 DANA ANN EDWARDS 7328 Svl Box, 13 **ACCUSATION** Victorville, CA 92392 14 Vocational Nurse License No. VN 198635 15 Respondent. 16 Complainant alleges: 17 18 **PARTIES** 1. 19 Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in 20 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric 21 Technicians, Department of Consumer Affairs (Board). 22 On or about March 15, 2002 the Board issued Vocational Nurse License No. VN 23 198635 to Dana Ann Edwards (Respondent). The Vocational Nurse License was in full force and 24 effect at all times relevant to the charges brought herein. The Vocational Nurse License expired 25 on April 30, 2009, and has not been renewed. 26 **JURISDICTION** 27 3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated. 28

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## STATUTORY PROVISIONS

- 4. Section 118, subdivision (b), provides that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1, the Board may renew an expired license at any time within four years after the expiration.
- 5. Section 490 provides that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed vocational nurse.
- 6. Section 2875 provides that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.
  - 7. Section 2878 states, in pertinent part:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

- "(a) Unprofessional conduct, ...
- "(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction. . . ."

## REGULATORY PROVISION

8. California Code of Regulations, title 16, section 2521 states, in pertinent part:

"For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare."

## **COST RECOVERY**

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crimes)

- 10. Respondent is subject to disciplinary action under sections 490 and 2878, subdivision (f), in conjunction with California Code of regulations, title 16, section 2521, in that, on or about November 9, 2009, Respondent was convicted of a crime substantially related to the qualifications, functions, or duties of a licensed vocational nurse which to a substantial degree evidences her present or potential unfitness to perform the functions authorized by her license in a manner consistent with the public health, safety, or welfare. The circumstances are as follows:
- a. On or about November 9, 2009, after pleading nolo contendere, Respondent was convicted of five (5) felony counts of violating Penal Code section 245(a)(1) [assault with a deadly weapon]; Penal Code section 245(c) [assault upon peace officer or firefighter]; Penal Code section 664/207(a) [attempted kidnapping]; Penal Code section 273a(a) [child abuse/endangerment], and Vehicle Code section 2800.2(a) [evading an officer with willful disregard] in the criminal proceeding entitled *The People of the State of California v. Dana Ann Edwards* (Super. Ct., San Bernardino County, 2009, No. FBA900173). The Court sentenced Respondent to 800 days in jail, placed Respondent on 36 months of supervised probation with Mental Health Court Terms. Furthermore, the Court ordered Respondent to reside in a sober living facility for no less than 90 days and ordered Respondent to pay restitution in the amount of \$6,035, plus a 10% administrative fee.
- b. The circumstances underlying the conviction are that on or about March 16, 2009, Respondent, with her 10 year old daughter in the car, fled from two different police agencies' marked patrol vehicles showing lights and sounding sirens. Respondent admitted to seeing the marked patrol vehicles' lights and to hearing the patrol vehicles' sirens. While driving on the I-15

1	northbound freeway, Respondent swerved to miss a tire deflation device (spike strip) and nearly
2	hit a peace officer with her vehicle. Furthermore, while in route to the Barstow Community
3	Hospital for medical clearance, Respondent damaged the patrol vehicle windshield by shattering
4	it with her feet.
5	SECOND CAUSE FOR DISCIPLINE
6	(Unprofessional Conduct)
7	11. Respondent is subject to disciplinary action under section 2878,
8	subdivision (a), in that, Respondent committed acts of unprofessional conduct. Complaint refers
9	to and by this reference incorporates the allegations set forth above in paragraph 10,
0	subparagraphs a and b, inclusive, as though set forth fully.
11	PRAYER
12	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged
13	and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
14	issue a decision:
15	1. Revoking or suspending Vocational Nurse License Number VN 198635, issued to
16	Dana Ann Edwards;
17	2. Taking such other and further action as deemed necessary and proper.
18	DATED: May 25, 2011  TERESA BELLO-JONES, J.D., M.S.N., R.N.  Executive Officer
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20	Board of Vocational Nursing and Psychiatric Technician
21	Department of Consumer Affairs State of California Complainant
22	LA2011501331 accusation.rtf
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